



COUNTY OF SAN BERNARDINO  
STANDARD PRACTICE

DEPARTMENT

BEHAVIORAL HEALTH

SUBJECT

VOTER REGISTRATION SERVICES

NO 2-1.36

ISSUE 10/96

BY Annette Davis

PAGE 1 OF 3  
EFFECTIVE 10/96

APPROVED

*James McReynolds*  
James McReynolds, Director

I. PURPOSE

All Department of Behavioral Health and contract agency facilities must provide voter registration services to mental health consumers age eighteen (19) and over in accordance with the National Voter Registration Act (NVRA) and DMH. Information Notice No. 95-19 and 96-03.

II. PURPOSE

To establish procedures for voter registration of mental health consumers in Department of Behavioral Health facilities, to ensure compliance with the NVRA.

III. PROCEDURE

- A. For each Department of Behavioral Health facility, **one person** shall be assigned to coordinate and be responsible for voter registration materials. Each clinic is responsible for informing the secretary to the Deputy Director of Administrative Services of the name and phone number of the designee.
- B. Department of Behavioral Health facilities shall obtain voter registration forms, notices and other materials necessary for the voter registration process from the Property Management Unit of Administrative Services Division of the Department of Behavioral Health. Contract agencies will order forms from the San Bernardino County Registrar of Voters. Voter registration materials shall be displayed in all facilities in a prominent place, such as the counter where consumers check in for services.
- C. Providers should attempt to offer voter registration services at the initial interview at point of entry into the Department of Behavioral Health for mental health consumers, except where the mental health consumer is in a crisis situation. Once a consumer is determined to no longer be in a crisis situation, and capable of making decisions, the voter registration services should be offered as soon as possible.
- D. Consumers shall be provided voter registration forms and offered voter registration assistance during the application/intake, (in the office or in the field). Consumers who are not registered to vote and are currently receiving services shall be offered voter registration services at their next appointment.

The level of assistance for registration should be equal to that which is provided for completing other forms for mental health services. This may include interpreter services or services to consumers who are physically disabled, blind and visually impaired.

- E. If the consumer is physically or mentally disabled and cannot sign the voter registration form, they should mark X on the signature line and it should be witnessed by the assisting staff person and one other witness.
- F. Consumers must be informed of the following:
  - 1. To register to vote in California, you must:
    - a. Be a citizen of the United States;
    - b. Live in the State of California;
    - c. Be at least 18 years of age by the date of the next election, and;
    - d. Not currently be in prison or on parole for the conviction of a felony, or be judged by a court to be mentally incompetent to vote.

**Under state and federal law, it is a crime to submit a voter registration affidavit if you know you are not eligible to register to vote.**

- G. The staff person assisting the consumer must assure that the forms are completed and signed by the consumer. The staff person does not have to complete Box 13, (if someone helps fill out or keeps this form, see instructions below), nor the registration form receipt stub. The assisting staff person, must however, complete the bottom portion of the declination form.
- H. Voter registration forms in languages other than English will be made available by the local County Elections Office. If the consumer wishes a form in a language other than those available, provide that person with the Secretary of State's toll free number: 1 (800) 345-VOTE.
- I. If a consumer informs the service provider that he/she has a change of address, the consumer must be offered the opportunity to update their voter registration by giving or mailing a voter registration form to that person.
- J. Do not refuse to provide voter registration services to any consumer. If the consumer is under conservatorship, the guardian is to be informed that voter registration services are being offered to the consumer. No applicant is to be refused the right to complete the registration form.
- K. Flagging, (see IV C), should be used by the service provider when there is

reason to believe that the applicant does not meet voter eligibility requirements. Do not make any permanent marks on the form. Do not flag questionable registrations in the presence of the consumer. No flagging is needed if the mental health consumer elects to take the form with him/her.

#### IV RECORD-KEEPING AND REPORTING

- A. The designee for each Department of Behavioral Health clinic will be responsible for preparing and submitting the monthly Voter's Registration Tally form to the secretary to the Deputy Director of Administrative Services by the fifth working day of the following month.
- B. To maintain confidentiality standards, the facility will retain copies of voter registration forms for two (2) years and shall file these forms and other voter registration materials separately from other forms for the consumers, (i.e., case files).
- C. On a daily basis, forward completed forms, including flagged registration to:  
  
Registrar of Voters  
777 East Rialto Avenue  
San Bernardino, CA 92408-9910
- D. Flagged forms would have a red 1" x 1 3/4" self-adhesive tape flag attached, indicating which eligibility requirement is in question.

Attachments: DMH Information Notice No. 95-19, dated November 30, 1995  
DMH Information Notice No. 96-03, dated March 12, 1996

AD:cc  
Attachments

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PETE WILSON, Governor

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

## DEPARTMENT OF MENTAL HEALTH

100 - 9TH STREET  
SACRAMENTO, CA 95814

November 30, 1995

DMH INFORMATION NOTICE NO.: 95-19

TO: LOCAL MENTAL HEALTH DIRECTORS  
LOCAL MENTAL HEALTH PROGRAM CHIEFS  
LOCAL MENTAL HEALTH ADMINISTRATORS  
COUNTY ADMINISTRATIVE OFFICERS  
CHAIRPERSONS, MENTAL HEALTH ADVISORY BOARDS

SUBJECT: NATIONAL VOTER REGISTRATION ACT (NVRA)

REFERENCE: NATIONAL VOTER REGISTRATION ACT  
42 UNITED STATES CODE SECTION 1973gg

EXPIRES: Retain Until Superseded

The purpose of this notice is to provide implementation instructions on the National Voter Registration Act (NVRA) of 1993 to those providing services in the mental health system. The NVRA (attached) was effective January 1, 1995.

This federal Act requires that voter registration services be provided by State-funded programs primarily engaged in providing services to persons with disabilities.

BACKGROUND

California's plan for implementation of the NVRA has been submitted by Governor Wilson and approved by the United States District Court (see attached). The court has ordered that California's NVRA plan be implemented. As state and county mental health programs have been identified as voter registration agencies since they constitute State-funded programs primarily engaged in providing services to persons with disabilities, these instructions are being provided to assist in implementing the court order.

To maintain confidentiality standards, voter registration forms and all other voter registration materials must be kept separate from other forms for persons receiving mental health services.

COORDINATION OF NVRA WITH OTHER AGENCIES

The Secretary of State (SOS) or county elections officials will provide all forms, notices and other materials necessary for the voter registration process. Forms include the standard voter registration form and a separate camera ready instructional and declaration form which provides questions and information on voter

registration and includes an acknowledgment line to be signed by the person receiving mental health services.

#### APPLICATION TO REGISTER TO VOTE

The Act and the interpretation of the court requires that voter registration services be provided when mental health services are provided. It is the intent of the Department of Mental Health that NVRA be implemented with minimal program disruption. In this regard voter registration would be inappropriate in crisis situations. Confidentiality will be ensured by use of a standard California Mail Voter Registration Form. The instruction and declaration form will be retained by the county.

#### VOTER REGISTRATION FORM

If assistance in completing the Voter Registration Form is requested, the NVRA requires the same level of assistance, as is provided in completing forms for mental health services. The NVRA prohibits any person who provides voter registration services from: seeking to influence an applicant's political preference or party registration; displaying any political preference; making any statement or taking any action to discourage registration or leaving an applicant with the impression that a decision to register or not to register has any bearing on the availability of services.

The person receiving mental health services can take the pre-addressed, postage paid mail-in Voter Registration Form and mail it or may leave the form with the person providing voter registration services for transmittal to election officials. All completed forms accepted must be mailed to the appropriate election official within ten days after the date of the acceptance unless the registration form is accepted within five days before the last day for registration to vote in an election. In the latter case, the Registration Form must be transmitted no later than five days after the date of acceptance by the mental health provider. The SOS suggests that the forms regularly be mailed within five days in order to avoid confusion and possible delays in submission.

The State plan of implementation approved by the court includes the "flagging" of questionable registration forms where there is specific knowledge that the applicant does not meet voter eligibility requirements. Please note that no applicant is to be refused the right to complete the registration form. Decisions regarding registration will be made by the county registrar or Secretary of State. The Secretary of State, as the Chief Elections Official in California, and the County Registrars of voters, will provide training materials, forms, and voter registration procedures.

DMH Information  
Notice No.: 95-19  
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To assist designated voter registration offices with implementation of the NVRA, the SOS's office has made a training manual and video available. To obtain copies of these training materials, contact your county's Registration and Elections Office.

If you have any questions regarding the information in this notice, you may contact Kaye Antel-Berenson at (916) 654-0543.



GARY PETTIGREW  
Deputy Director  
Systems of Care

Attachments

**NATIONAL VOTER REGISTRATION ACT OF 1993**  
**(PUBLIC LAW 103-31 - MAY 20, 1993)**  
Revised 2/10/95

**An Act**

To establish national voter registration procedures for Federal elections, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

**SEC. 1. SHORT TITLE.**

This Act may be cited as the "National Voter Registration Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

- (a) **FINDINGS.**- The Congress finds that -
- (1) the right of citizens of the United States to vote is a fundamental right;
  - (2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and
  - (3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.
- (b) **PURPOSES.**- The purposes of this Act are-
- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
  - (2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
  - (3) to protect the integrity of the electoral process; and
  - (4) to ensure that accurate and current voter registration rolls are maintained.

**SEC. 3. DEFINITIONS**

As used in this Act-

- (1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));
- (2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));
- (3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;
- (4) the term "State" means a State of the United States and the District of Columbia; and
- (5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

**SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.**

- (a) **IN GENERAL.** - Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provide for under State law, each State shall establish procedures to register to vote in elections for Federal office-
- (1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;
  - (2) by mail application pursuant to section 6; and

- (3) by application in person-
    - (A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and
    - (B) at a Federal, State, or nongovernmental office designated under section 7.
- (b) **NONAPPLICABILITY TO CERTAIN STATES.** - This Act does not apply to a State described in either or both of the following paragraphs:
  - (1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.
  - (2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

**SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.**

- (a) **IN GENERAL.** -
  - (1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.
  - (2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.
- (b) **LIMITATION ON USE OF INFORMATION.** - No information relating to the failure of an applicant for State motor vehicles driver's license to sign a voter registration application may be used for any purpose other than voter registration.
- (c) **FORMS AND PROCEDURES.** -
  - (1) Each State shall include a voter registration application form for elections for Federal office as part of an application for State motor vehicle driver's license.
  - (2) The voter registration application portion of an application for a State motor vehicle driver's license-
    - (A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));
    - (B) may require only the minimum amount of information necessary to -
      - (i) prevent duplicate voter registrations; and
      - (ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
    - (C) shall include a statement that-
      - (i) states each eligibility requirement (including citizenship);
      - (ii) contains an attestation that the applicant meets each such requirement; and
      - (iii) requires the signature of the applicant, under penalty of perjury;
    - (D) shall include, in print that is identical to that used in the attestation portion of the application-
      - (i) the information required in section 8(a)(5) (A) and (B);
      - (ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and
      - (iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes, and

- (E) shall be made available (as submitted by the applicant or in machine readable or other format) to the appropriate State election official as provided by State law.
- (d) **CHANGE OF ADDRESS.-** Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.
- (e) **TRANSMITTAL DEADLINE.-**
  - (1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election office not later than 10 days after the date of acceptance.
  - (2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

#### **SEC. 6. MAIL REGISTRATION.**

- (a) **FORM.-**
  - (1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.
  - (2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.
  - (3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.
- (b) **AVAILABILITY OF FORMS.-** The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.
- (c) **FIRST TIME VOTERS.-**
  - (1) Subject to paragraph (2), a State may by law require a person to vote in person if-
    - (A) the person was registered to vote in a jurisdiction by mail; and
    - (B) the person has not previously voted in that jurisdiction.
  - (2) Paragraph (1) does not apply in the case of a person-
    - (A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);
    - (B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii); or
    - (C) who is entitled to vote otherwise than in person under any other Federal law.
- (d) **UNDELIVERED NOTICES.-** If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 8(d).

#### **SEC. 7. VOTER REGISTRATION AGENCIES.**

- (a) **DESIGNATION.-**
  - (1) Each State shall designate agencies for the registration of voters in elections for Federal office.
  - (2) Each State shall designate as voter registration agencies-
    - (A) all offices in the State that provide public assistance; and

- (B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.
- (3) (A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.
- (B) Voter registration agencies designated under subparagraph (A) may include-
  - (i) schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and
  - (ii) Federal and nongovernmental offices, with the agreement of such offices.
- (4) (A) At each voter registration agency, the following services shall be made available:
  - (i) Distribution of mail voter registration application forms in accordance with paragraph (6).
  - (ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.
  - (iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.
- (B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.
- (5) A person who provides service described in paragraph (4) shall not-
  - (A) seek to influence an applicant's political preference or party registration;
  - (B) display any such political preference or party allegiance;
  - (C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
  - (D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.
- (6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall-
  - (A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance-
    - (i) the mail voter registration application form described in section 9(a)(2), including a statement that-
      - (I) specifies each eligibility requirement (including citizenship);
      - (II) contains an attestation that the applicant meets each such requirement; and
      - (III) requires the signature of the applicant, under penalty of perjury; or
    - (ii) the office's own form if it is equivalent to the form described in section 9(a)(2), unless the applicant, in writing, declines to register to vote;
  - (B) provide a form that includes-
    - (i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
    - (ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

- (iii) boxed for the applicant to check to indicate whether the applicant would like to register or decline to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
  - (iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application in private."; and
  - (v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with \_\_\_\_\_.", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and
- (C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.
- (7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.
- (b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.-** All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.
- (c) **ARMED FORCES RECRUITMENT OFFICES.-**
  - (1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.
  - (2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.
- (d) **TRANSMITTAL DEADLINE.-**
  - (1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.
  - (2) If a registration application is accepted within 5 days before the last day for registration to vote in an elections, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

## **SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION**

- (a) **IN GENERAL.-** In the administration of voter registration for elections for Federal office, each State shall-
  - (1) ensure that any eligible applicant is registered to vote in an election-
    - (A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

- (B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;
    - (C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by the State law, before the date of the election; and
    - (D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;
  - (2) require that appropriate State election official to send notice to each applicant of the disposition of the application;
  - (3) provided that the name of a registrant may not be removed from the official list of eligible voters except-
    - (A) at the request of the registrant,
    - (B) as provided by State law, by reason of criminal conviction or mental incapacity; or
    - (C) as provided under paragraph (4);
  - (4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of-
    - (A) the death of a registrant; or
    - (B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);
  - (5) inform applicants under sections 5, 6, and 7 of-
    - (A) voter eligibility requirements; and
    - (B) penalties provided by law for submission of a false voter registration application; and
  - (6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.
- (b) **CONFIRMATION OF VOTER REGISTRATION.-** Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office-
- (1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1983 et seq.); and
  - (2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.
- (c) **VOTER REMOVAL PROGRAMS.-**
- (1) A State may meet the requirement of subsection (a)(4) by establishing a program under which;
    - (A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and
    - (B) if it appears from information provided by the Postal Service that-
      - (i) a registrant has moved to a different jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid preaddressed return form by which the registrant may verify or correct the address information; or
      - (ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

- (2) (A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the name of ineligible voters from the official lists of eligible voters.
- (B) Subparagraph (A) shall not be construed to preclude
  - (i) the removal of name from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or
  - (ii) correction of registration records pursuant to this Act.
- (d) **REMOVAL OF NAMES FROM VOTING ROLLS.-**
  - (1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant-
    - (A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or
    - (B)
      - (i) has failed to respond to a notice described in paragraph (2); and
      - (ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.
  - (2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:
    - (A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.
    - (B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.
  - (3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.
- (e) **PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.-**
  - (1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.
  - (2) (A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant-
    - (i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

- (ii) (I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or
  - (II) shall be permitted to correct the voting records for purposes of voting in the future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.
- (B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.
- (3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.
- (f) **CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.**- In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).
- (g) **CONVICTION IN FEDERAL COURT.**-
  - (1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.
  - (2) A notice given pursuant to paragraph (1) shall include-
    - (A) the name of the offender;
    - (B) the offender's age and residence address;
    - (C) the date of entry of the judgement;
    - (D) a description of the offenses of which the offender was convicted; and
    - (E) the sentence imposed by the court.
  - (3) On the request of the chief State election official of the State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offenses of which the offender was convicted.
  - (4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgement.
  - (5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.
- (h) **REDUCED POSTAL RATES.**-
  - (1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:
 

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993."

- (2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title, "and inserting in lieu thereof "3636(a)-(h), 3626(j)-(k), and 3629 of this title".
- (3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 or this title".
- (4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following item:  
"3629. Reduced rates for voter registration purposes."
- (i) **PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.-**
  - (1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.
  - (2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.
- (j) **DEFINITION.-** For the purposes of this section, the term "registrar's jurisdiction" means-
  - (1) an incorporated city, town, borough, or other form of municipality;
  - (2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or
  - (3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

## **SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

- (a) **IN GENERAL.-** the Federal Election Commission-
  - (1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);
  - (2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;
  - (3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and
  - (4) shall provide information to the States with respect to the responsibilities of the State under this Act.
- (b) **CONTENTS OF MAIL VOTER REGISTRATION FORM.-** The mail voter registration form developed under subsection (a)(2)-
  - (1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
  - (2) shall include a statement that-
    - (A) specifies each eligibility requirement (including citizenship);
    - (B) contains attestation that the applicant meets each such requirement; and
    - (C) requires the signature of the applicant, under penalty of perjury
  - (3) may not include any requirement for notarization or other formal authentication; and

- (4) shall include, in print that is identical to that used in the attestation portion of the application-
  - (i) the information required in section 8(a)(5) (A) and (B);
  - (ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and
  - (iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

#### **SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.**

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

#### **SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.**

- (a) **ATTORNEY GENERAL.**- The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.
- (b) **PRIVATE RIGHT OF ACTION.**-
  - (1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.
  - (2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.
  - (3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).
- (c) **ATTORNEY'S FEES.**- In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.
- (d) **RELATION TO OTHER LAWS.**-
  - (1) the right and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Right Act of 1965 (42 U.S.C. 1973 et seq.).
  - (2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

#### **SEC. 12. CRIMINAL PENALTIES.**

A person, including an election official, who in any election for Federal office-

- (1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for-
  - (A) registering to vote, or voting, or attempting to register to vote;
  - (B) urging or aiding any person to register to vote, to vote, or to attempt to register to vote; or
  - (C) exercising any right under this Act; or
- (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by-
  - (A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

- (B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held.

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years or both.

**SEC. 13. EFFECTIVE DATE.**

This Act shall take effect-

- (1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voter, on the later of-
- (A) January 1, 1996; or
- (B) the date that is 120 days after the date by which under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and
- (2) with respect to any State not described in paragraph (1), on January 1, 1995.

Approved May 20, 1993.

CHAPTER FOUR

VOTER REGISTRATION

AT

SOCIAL SERVICE

AGENCIES

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I. IMPLEMENTATION OF THE AGENCY PROVISIONS OF THE NATIONAL VOTER REGISTRATION ACT (NVRA) OF 1993.

A. Voter Registration Agencies

Pursuant to the provision of Section 7 of the NVRA, Governor Wilson, by Executive Order W-98-94, designated the following as voter registration agencies:

- a. County welfare department offices which accept applications and administer benefits for the Aid to Families with Dependent Children program (AFDC) and the Food Stamp program.
- b. County welfare department offices which accept applications and administer benefits for the Medi-Cal program and, with the agreement of the Social Security Administration, Social Security Offices which accept and process applications for the Supplemental Security Income/State Supplemental Payment program.
- c. County welfare department offices and community based non-profit organizations under contract with the Department of Health Services which accept applications and administer benefits for the Women, Infants and Children program (WIC).
- d. Offices of the State Department of Rehabilitation which provide vocational rehabilitation services.
- e. Franchise Tax Board district offices which provide public access for income tax and Homeowner and Renter Assistance forms, instructions and assistance.
- f. State Board of Equalization district offices which provide services to the public.

In addition, the NVRA provides that recruitment offices of the Armed Forces of the United States are considered to be voter registration agencies for purposes of the NVRA. The Secretary of State in cooperation with the Secretary of Defense is required to develop and implement procedures for persons to apply to register to vote at recruitment offices.

**B. Responsibilities of Voter Registration Agency Office**

- A. Distribute a form to register to vote with each application for service or assistance, as well as with each form for recertification, renewal, or change of address;
- B. Assist the voter in completing the form, with the same level of assistance the agency provides for completion of its own forms; and
- C. Accept completed forms from the voters for return to the elections official.
- D. No attempt to influence the voters' decision whether or not to register to vote, or with which political party, shall be made by any agency employee.
- E. Benefits may not be linked in any way to the applicant's decision to register or to not register to vote.

Voter registration agencies or state supervising agencies may develop instructions and procedures to further clarify and implement these requirements.

**C. Required Notices**

The NVRA requires that each applicant be advised of certain information, including: (1) that assistance in filling out the form will be provided if requested; (2) that he or she has the right to complete the form without assistance; (3) that failure to indicate whether or not the applicant wishes to register to vote will automatically be determined to be a declination to register; and (4) a contact name, address, and phone number if the applicant feels anyone has tried in any way to influence his or her decision to register to vote or not, or with which political party.

**D. A Written Declination is Required**

Unlike the procedures specified for the DMV, each applicant must either register to vote or indicate in writing that he or she declines to register (see below for a discussion of the "Declination Form").

## II. REGISTERING VOTERS DURING THE AGENCY APPLICATION PROCESS

Please refer to Section 7 of the NVRA.

Each person who applies for benefits at an agency office must be given the opportunity to register to vote. There are many ways this opportunity could be presented.

Each person applying for services will be given an "Application Form" on which to indicate whether he or she wants to register to vote. Those persons indicating that they wish to register will be given a form to register to vote. Both forms should be stapled, clipped, or otherwise presented together with application forms routinely distributed to each applicant during the "intake" procedure or at some other appropriate point in the application process.

### A. Part One of the Application --- The "Declination" Form

Each person applying for services will be given a form which asks if he or she wishes to register to vote. (A copy of this form is on the next page). This form will be supplied to county elections officials by the Secretary of State, who will in turn supply it to all applicable offices within each county. Each agency office will then distribute it to each of its clients in the course of the regular application process.

The elections official may supply each office with forms in bulk, or may supply a master form for the agency to reproduce.

The form will include the following information:

1. **Eligibility criteria:** This includes the requirement that a person must be a citizen to register to vote. The individual should be made specifically aware of the warning that it is a crime to submit a voter registration affidavit if the person knows he or she is not eligible to register to vote.
2. **Who needs to use the registration form (i.e. new registration, move to a new address, change of name or political party)**

# WOULD YOU LIKE TO REGISTER TO VOTE?

## TO REGISTER TO VOTE IN CALIFORNIA, YOU:

1. Must be a citizen of the United States;
2. Must live in the State of California;
3. Must be at least 18 years old by the date of the next election, and;
4. You may not be currently in prison or on parole for the conviction of a felony, or be judged by a court to be mentally incompetent.

**WARNING.** Under state and federal law, it is a crime to submit a voter registration affidavit if you know you are not eligible to register to vote.

## IMPORTANT NOTICES

1. Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.
2. If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.
3. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Secretary of State by calling toll-free 800-345-VOTE or write to: Secretary of State, 1500 11th Street, Sacramento, CA, 95814.
4. If you move to a new address, or if you change your name or political party, you must fill out a new voter registration form.

Would you like to apply to register to vote here today?

(Check One)

- ☐ I am already registered to vote at my current address, or I am not eligible to register to vote, and do not need an application to register to vote.
- ☐ YES. I would like to register to vote.  
(Please fill out the attached form)
- ☐ NO. I do not want to register to vote.

(NOTE: IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.)

Please sign your name here: \_\_\_\_\_

SIGNATURE

DATE

This form will be retained with this agency.

(For Agency Use Only)

Voter registration form completed: YES \_\_\_\_\_ NO \_\_\_\_\_

Employee Initials: \_\_\_\_\_

3. **Important Notices.** The federal law requires the inclusion on the application of several notices to the voter, including:
  - a. A notice that the voter's decision whether or not to register to vote will not affect his or her eligibility for benefits, or the amount of those benefits.
  - b. A notice advising the voter how to obtain help in filling out the voter registration form, as well as informing him or her that he or she has the right to fill it out in private and without any help.
  - c. Information on who the voter may complain to if he or she feels that anyone has interfered with his or her right to vote, or tried to influence his or her choice of a political party. The Secretary of State is the office to which the voter may complain, and an 800 number is listed for this purpose.
4. **"Yes/No".** The applicant is asked whether he or she would like to register, with boxes marked "yes" and "no" to indicate his or her answer. This question is also required by federal law. Also required is a statement informing the voter that if he or she does not check either box it will be assumed that he or she has decided not to register to vote.

The voter will be asked to affirm his or her choice by signing and dating the form.

If the voter checks "YES", the employee will give the voter a form to register to vote. This will be a "regular" voter registration form, and will be supplied to the agency office by the elections official.

5. **"For official use only."** This section of the form will permit the agency employee to indicate that the applicant did or did not complete a voter registration form, and to initial this information.

If the employee gives the applicant a form to register to vote but the applicant decides to take it home, fill it out, and return it him- or herself, the employee should check the box indicating that no registration form has been completed, since it will not be possible to determine whether or not the voter follows through with completing the form.

B. Part Two of the Application --- the Voter Registration Form

This will be the "regular" voter registration form, and will be attached to part one of the form so that the two forms are presented simultaneously to the applicant. The voter registration form will include the attached portions containing the instructions and the receipt stub.

C. Obtaining the Forms

1. The Secretary of State will supply county elections offices with a master copy of Part One of the application. The elections official may supply it in bulk to the agency office, or may provide a master copy for the agency to reproduce.

2. The Secretary of State will supply county elections officials with voter registration forms to be used in agency offices.

Each county will need to estimate the number of forms required in all agency offices and order that number of forms from the Secretary of State.

Over time, as we implement this program after January 1, 1995, elections officials will have precise data indicating the number of forms needed by each agency office.

D. Confidentiality

1. Confidentiality of the identity of the agency at which the voter registered. The agency portion of the federal law contains a requirement which is not included in the DMV portion of the law. Section 8(a)(6) states that each office shall "ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public."

In other words, the process used to offer an opportunity to register voters at social service agencies may not in any way disclose the source of that registration to the general public.

The process described in this manual was designed in large part in order to ensure the confidentiality of the source of agency locations.

Specifically, the actual form to register to vote is indistinguishable from a "regular" form to register to vote.

It is important to note that there is a possible "conflict" in this goal of confidentiality with the requirement in the federal law that county elections offices track and report the number of registration applications received from agency offices. In order to track and report this information, you probably have to assign specific blocks of affidavit numbers to these agency locations and keep track of those numbers from within each block which are returned to your office. In this case, each elections official must enact adequate office procedures to ensure that the public does not have access to the list indicating which block of numbers is assigned to which agency office.

2. Confidentiality of the "declination" to register to vote.

The federal law also requires [section 7(a)(7)] that: "No information relating to a declination to register to vote in connection with an application made at an (agency) office may be used for any purpose other than voter registration.

In other words, if a voter, for whatever reason, declines to register to vote, that decision is entirely a private matter and may not be made known to the public. Specifically, the "Declination Form" described in section II.A above ("Part One of the Form --- The "Declination" Form) which is retained by the agency, either in the client's application file or in some other location from which it can be retrieved, is not a public record.

E. Providing materials and assistance in minority languages

The federal law requires that agencies provide the same level of service to persons wishing to register to vote as they provide to clients completing applications for the services provided by that agency.

The Secretary of State, in conformance with the Federal Voting Rights Act, currently prints voter registration forms in the following languages, in combination with English: Spanish, Chinese, Vietnamese, Japanese, and Tagalog. The Secretary of State will make these forms available to local elections officials who shall, upon request of an agency, supply those forms to that agency.

Each county election official will have to determine if social service agency offices in his or her county provide applications in any of these languages and, if so, request a supply of these forms from the Secretary of

State for distribution to those agency offices.

Voter registration forms in languages not specifically required by the Voting Rights Act will not be provided. For example, if a local office provides language services to clients in Urdu, the agency office will not be provided with voter registration forms in Urdu, although it may be possible to translate and provide the declination form upon request.

**F. FLAGGING QUESTIONABLE REGISTRATION FORMS**

The NVRA provides that it is a crime for any person to knowingly and willfully submit a voter registration application that is known by the person to be materially false, fictitious or fraudulent.

A person must meet specific requirements to be eligible to register. The person must be at least 18 years of age by the date of the next election, a United States citizen, a resident of California, and not be in prison or on parole for conviction of a felony or be judged a court to be mentally incompetent. These requirements should be carefully explained to applicants. However, voter registration agency employees may not prohibit or inhibit a person in any way from registering to vote regardless of eligibility status. It may occur, however, that an employee will be aware that a person to whom voter registration assistance is provided is not a citizen or does not otherwise meet the requirements to register.

Because of the penalty provision of the NVRA, voter registration employees should "flag" registrations for which they have specific knowledge that the applicant does not meet these eligibility requirements, including citizenship, at the time assistance is provided, either by statements of the applicant or information already provided in an application for benefits. The employee should not search the file to make a citizenship determination.

The registration form along with the "flag" will be forwarded to the county election official, who will determine what action or investigation, if any, to undertake. No identifying information should be provided in order to maintain compliance with any applicable state or federal confidentiality requirements. Since the NVRA requires the voter registration agency to forward completed registration forms to the election official, the addition of a "flag" should not conflict with other federal confidentiality requirements.

The Secretary of State will work with the State Health and Welfare

Agency, local election officials, and voter registration agencies to develop a uniform method and procedure for flagging questionable registrations.

### III. CHANGES OF ADDRESS AND RECERTIFICATIONS

The federal law also requires that each agency distribute a form to register to vote with each form used for recertification, renewal, or change of address [section 7(a)(6)(A)].

### IV. TRANSMITTAL DEADLINES

The federal law requires that agency offices transmit completed registration forms to the elections official. If the registration form is received within five days of a deadline to register to vote, the forms must be transmitted within five days of receipt by the agency. Since there are many local elections including special elections and other non-regularly scheduled elections, each agency office should transmit all voter registration cards within five days of receipt.

Each election official should establish procedures and timetables for receiving completed forms from agency offices.

In many cases, agency offices are forwarding completed registration forms on a daily basis, rather than waiting 5-10 days. Some agency offices may be able to transmit the completed forms to your office via inter-office mail.

### V. LATE REGISTRATIONS

Any registration form which is completed by a voter at an agency office 29 days or more before the date of an election is, if otherwise valid, effective for that election, no matter when it is received by the election official (unless, of course, it is received after the election).

For example, if a voter completes a form to register to vote but that form is delayed in transmittal and is not received by the elections official until the day before the election, that voter is eligible under the federal law to cast a ballot in that election, and the ballot must be counted.

Elections officials should make every effort to facilitate the transmittal of completed registration forms from agency offices in order to minimize the number of "late" registrations. Such facilitation will be important to minimize the number of provisional ballots you might have to process for a given election.

Even with a smooth transmittal process, if Murphy is right someone at an

agency office will misplace registration forms for the 27 most vocal persons in your county, and these forms will magically be discovered a week before the election. It might be wise to review your procedures for notifying polling places of late registrations, or otherwise incorporating these late registrations into your normal processes.

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STATE OF CALIFORNIA--HEALTH AND WELFARE AGENCY

PETE WILSON, GOVERNOR

## DEPARTMENT OF MENTAL HEALTH

100 - 9TH STREET  
SACRAMENTO, CA 95814

(916) 654-3551

March 12, 1996

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MAR 19 1996

DIRECTOR'S  
OFFICE

DMH INFORMATION NOTICE NO.: 96-03

TO: LOCAL MENTAL HEALTH DIRECTORS  
LOCAL MENTAL HEALTH PROGRAM CHIEFS  
LOCAL MENTAL HEALTH ADMINISTRATORS  
COUNTY ADMINISTRATIVE OFFICERS  
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: IMPLEMENTATION OF NATIONAL VOTER REGISTRATION ACT (NVRA)  
OF 1993

REFERENCE: National Voter Registration Act 42 United States Code Section 1973gg

EXPIRES: Retain Until Superseded  
(Use In Conjunction With DMH Information Notice No.: 95-19)

The purpose of this information notice is to provide additional implementation instructions and follow-up on the National Voter Registration Act (NVRA) of 1993 to those individuals providing services in the mental health system. The NVRA was effective January 1, 1995. On May 4, 1995, the United States District Court required the state to implement its previously submitted plan (Chapter 4, Voter Registration at Social Services Agencies). DMH Information Notice No. 95-19 provided the counties with information on the implementation of the NVRA. However, it has come to our attention that some mental health providers would like further direction and clarification as to their roles and responsibilities under the provisions of the NVRA. This notice is intended to address questions most frequently asked by county mental health providers and state contract providers.

**To whom and when are voter registration services provided?**

With very specific and limited exceptions, psychiatric patients, including those held involuntarily, have the right to vote. Persons under conservatorship may exercise this right unless the court decides otherwise. Section 2208 of the California Elections Code states that a person is deemed mentally incompetent and therefore disqualified from voting if a guardian or conservator is appointed and during the course of any such proceedings the court specifically finds that the person is not capable of completing an affidavit of voter registration. Persons judicially committed such as Not Guilty by Reason of Insanity (NGI), Penal Code Section 1026; Incompetent to Stand Trial (IST),

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ADMINISTRATIVE SVCS.

3. If a mental health consumer is physically or mentally disabled (excluding those persons determined by a court to be mentally incompetent, or who are in a crisis situation) and cannot sign the Voter Registration Form, he/she must make a mark on the signature line ("x" or any other mark), witnessed by two persons. The staff person who is assisting the mental health consumer can be a witness.

4. When offering or assisting mental health consumers with voter registration, make sure that he/she is made aware of the four (4) requirements that must be met to register to vote (found in the first box of the Declination Form).

5. The staff person who is assisting the mental health consumer with voter registration must make sure that the forms are completely filled out and signed by the mental health consumer.

6. When assisting a mental health consumer with voter registration services, the staff person does not have to complete Box 13 and the Registration Form Receipt (stub) on the form. However, the staff person needs to fill out the bottom part of the Declination Form.

7. To foster a cooperative working relationship with the various county election offices, each county should establish liaison with the local county election officials in its area. (Refer to the roster of California election offices.)

8. The appropriate county elections office in each county will supply voter registration forms upon request.

9. A Declination Form is attached and should be copied and distributed to the appropriate service providers.

10. Voter Registration Forms in minority languages (in combination with English) i.e., Chinese, Japanese, Spanish, Vietnamese, etc. will be made available by the local county elections office. If the mental health consumer wishes a form in a language other than those available, provide that person with the Secretary of State's toll free number: 1-800-345-VOTE.

11. In order to maintain confidentiality, all voter registration forms and other related materials should be kept separate from mental health consumer case files.

12. If a mental health consumer informs his/her service provider either in person or by mail, that he/she has changed addresses, the mental health consumer must be offered the opportunity to update his/her voter registration by giving or mailing a voter registration form to that person.

13. If mailing forms, fill out the bottom part of the Application to Register or Declination form and file.

2. A separate file will be maintained for the Application to Register or Declination Form, which will be filed alphabetically by the mental health consumer's last name.

3. To maintain federally-mandated standards pertaining to the confidentiality of information contained in the mental health consumer's case record, the completed Application to Register or Declination Form will not be filed in the case file.

4. In order to avoid confusion and potential delays in submission, each provider should, on a daily basis, forward completed forms, including segregated questionable registrations to the elections office in the county where the provider is located.

5. The county elections office requires that valid forms must be received by them at least 25 days prior to the next election. To ensure that the 25 day deadline is met, each provider shall obtain a copy of the county election schedule from the elections office. Different elections are held yearly and these vary from county to county.

6. To avoid unnecessary mailing costs, do not bundle completed forms (except segregated questionable registrations) when transmitting these to the county; each individual form is self-stamped and self-addressed.

The Secretary of State and the county registrars continue to have primary responsibility for NVRA implementation. If you have any questions about this notice, however, please contact Kaye Antel-Berenson at (916) 654-0543.

Sincerely,

  
GARY M. PETTIGREW  
Deputy Director  
Systems of Care

Enclosures

cc: California Mental Health Planning Council  
Chief, Technical Assistance and Training

## WOULD YOU LIKE TO REGISTER TO VOTE?

### TO REGISTER TO VOTE IN CALIFORNIA, YOU:

1. Must be a citizen of the United States.
2. Must live in the State of California.
3. Must be at least 18 years old by the date of the next election, and.
4. Must not currently be in prison or on parole for the conviction of a felony, or be judged by a court to be mentally incompetent to vote.

**WARNING:** Under state and federal law, it is a crime to submit a voter registration affidavit if you know you are not eligible to register to vote.

### IMPORTANT NOTICES

1. Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.
2. If you would like help in filling out the voter registration application form, we will help you. It's your choice. You may fill out the application form in private.
3. If you decline to register to vote here today, that information is confidential and may not be used for any purpose other than voter registration. If you do register to vote here today, that information, including the office at which you are registering, is also confidential.
4. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Secretary of State by calling toll-free 800-345-VOTE or write to: Secretary of State, 1500 11th Street, Sacramento, CA, 95814.
5. If you move to a new address, or if you change your name or want to change your political party, you must fill out a new voter registration form.

Would you like to apply to register to vote here today?

(Check One)

- ☐ I am already registered to vote at my current address, or I am not eligible to register to vote, and do not need an application to register to vote.
- ☐ YES. I would like to register to vote. (Please fill out the attached form)
- ☐ NO. I do not want to register to vote.

(NOTE: IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.)

Please sign your name here: \_\_\_\_\_

SIGNATURE

DATE

This form will be retained with this agency

### (For Agency Use Only)

Voter registration form completed: YES \_\_\_\_\_ NO \_\_\_\_\_ DECLINED \_\_\_\_\_

If applicant wanted to register, form was: GIVEN TO CLIENT \_\_\_\_\_ MAILED \_\_\_\_\_

If client declined to register but: failed to sign declination form, check here \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Employee Initials \_\_\_\_\_ Date \_\_\_\_\_

and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(b) The home address of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15003, 15005 to 15007, inclusive, or 14240 to 14253, inclusive. The address shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(c) A governmental entity, or officer or employee thereof, may not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

*(Added by Stats. 1994, c. 1207, §8.)*

### Chapter 3. Cancellation and Voter File Maintenance

#### Article 1. General Provisions

##### 2200. Registration is permanent.

The registration of a voter is permanent for all purposes during his or her life, unless and until the affidavit of registration is canceled by the county elections official for any of the causes specified in this article.

*(Added by Stats. 1994, c. 920, §2.)*

##### 2201. Reasons for cancelling registration.

The county elections official shall cancel the registration in the following cases:

- (a) At the signed, written request of the person registered.
- (b) When the mental incompetency of the person registered is legally established as provided in Sections 2208, 2209, 2210, and 2211.
- (c) Upon proof that the person is presently imprisoned or on parole for conviction of a felony.
- (d) Upon the production of a certified copy of a judgment directing the cancellation to be made.
- (e) Upon the death of the person registered.
- (f) Pursuant to Article 2 (commencing with Section 2220).
- (g) Upon receipt of any mailing returned by the postal service as undeliverable.
- (h) Upon official notification that the voter is registered to vote in another county or state.

A blank affidavit of registration shall immediately be mailed to the address from which a cancellation is effected pursuant to subdivision (g).

*(Added by Stats. 1994, c. 920, §2.)*

##### 2202. Preservation and recording standards of uncanceled affidavits; duplicate affidavit deemed an original.

(a) The county elections official shall preserve all uncanceled affidavits of registration.

The affidavits of registration shall constitute the register required to be kept by Article 5 (commencing with Section 2180) of Chapter 2.

(b) In lieu of maintaining uncanceled affidavits of registration, the county elections official may, following the first general election after the date of registration, microfilm, record on optical disc, or record on any other electronic medium that does not permit additions, deletions, or changes to the original document, the uncanceled affidavits of registration. The county elections official may dispose of any uncanceled affidavits of registration transferred pursuant to this section. Any medium utilized by the county elections official shall meet the minimum standards, guidelines, or both, as recommended by the American National Standards Institute,

West's Ann.Cal.Elec.Code Sec. 2209

WEST'S ANNOTATED CALIFORNIA CODES  
ELECTIONS CODE  
DIVISION 2. VOTERS  
CHAPTER 3. CANCELLATION AND VOTER  
FILE MAINTENANCE  
ARTICLE 1. GENERAL PROVISIONS

Current through the 1993-94 legislative sessions.

Sec. 2209. Mentally incompetent persons; review under Probate Code of capability to complete affidavit; findings by investigator; hearing

(a) For conservatorships established pursuant to Division 4 (commencing with Section 1400) of the Probate Code, the court investigator shall, during the yearly or biennial review of the conservatorship as required by Chapter 2 (commencing with Section 1850) of Part 3 of Division 4 of the Probate Code, review the person's capability of completing an affidavit of voter registration in accordance with Section 2150.

(b) If the person had been disqualified from voting by reason of being incapable of completing an affidavit of voter registration, the court investigator shall determine whether the person has become capable of completing the affidavit, and, the investigator shall so inform the court.

If the investigator finds that the person is capable of completing the affidavit, the court shall hold a hearing to determine whether the person is in fact capable of completing the affidavit. If the person is found to be capable of completing the affidavit, the person's right to register to vote shall be restored

and the court shall so notify the county elections official.

(c) If the person had not been found to be incapable of completing an affidavit of voter registration, and, the court investigator determines that the person is no longer capable of completing the affidavit, the investigator shall so notify the court. The court shall hold a hearing to determine whether the person is capable of completing an affidavit of voter registration, and, if the court determines that the person is not so able, the court shall order the person to be disqualified from voting and the court will so notify the county elections official.

CREDIT(S)

1995 Interim Update

(Added by Stats.1994, c. 920 (S.B.1547), Sec. 2.)

< <ELECTIONS CODE> >

< <TRANSITIONAL PROVISIONS> >

< For transitional provisions, see Elections Code Sec. 2, and Stats.1994, c. 920 (S.B.1547), Sec. 3. >

Tables

< Disposition of Former Code Sections in the Elections Code and Derivation of Elections Code from Former Code Sections, see Tables in General Materials (see Refs. & Annos. from any section in the Code).

# California State Elections Officials Registrars of Voters or County Clerks

Bradley J. Clark  
Registrar of Voters  
County of Alameda (01)  
1225 Fallon Street, Room G-1  
Oakland, CA 94612  
(510) 272-6973  
(510) 272-6982 Fax  
Hours 8.30 to 5:00

Barbara K. Jones  
County Clerk  
County of Alpine (02)  
99 Water (Fed. Ex. Only)  
P O Box 158  
Markleeville, CA 96120  
(916) 694-2281  
(916) 694-2491 Fax  
Hours 8-12 1-5

Sheldon D. Johnson  
Registrar of Voters  
County of Amador (03)  
500 Argonaut Lane  
Jackson, CA 95642  
(209) 223-6465\*  
(209) 223-0691 Fax  
Hours 8 to 5

Candace J. Grubbs  
County Clerk-Recorder  
County of Butte (04)  
25 County Center Drive  
Oroville, CA 95965  
(916) 538-7761  
(916) 538-2112 Fax  
Hours 9 to 4 (M-T)  
Office is Closed on Fridays

Karen Varni  
County Clerk, Elections Dept.  
County of Calaveras (05)  
891 Mountain Ranch Road  
San Andreas, CA 95249  
(209) 754-6376\*  
(209) 754-6566 Fax  
Hours 8 to 5

Kathleen Moran  
County Clerk-Recorder  
County of Colusa (06)  
546 Jay Street  
Colusa, CA 95932  
(916) 458-0500\*  
(916) 458-0510 Fax  
Hours 8:30 to 5

Stephen L. Weir  
County Clerk  
County of Contra Costa (07)  
524 Main Street  
P O Box 271  
Martinez, CA 94553  
(510) 646-4166\*  
(510) 646-1385 Fax  
Hours 8 to 5

John D. Alexander  
County Clerk-Recorder  
County of Del Norte (08)  
450 H Street, Room 182  
Crescent City, CA 95531  
(707) 464-7205  
(707) 465-0383\*  
(707) 465-4005 Fax  
Hours 8-12 1-5

Michele Mac Intyre  
Registrar of Voters  
County of El Dorado (09)  
P O Box 678001  
2850 Fairlane Court  
Placerville, CA 95667  
(916) 621-7480\*  
(916) 626-5514 Fax  
Hours 8 to 5

Susan B. Anderson  
County Clerk/Registrar of  
Voters  
County of Fresno (10)  
2221 Kern Street  
Fresno, CA 93721  
(209) 488-3375  
(209) 488-3246\*  
(209) 488-3279 Fax  
Hours 8 to 5

Carolyn Davis  
County Clerk-Recorder  
County of Glenn (11)  
526 Sycamore Street  
Willows, CA 95988  
(916) 934-6414\*  
(916) 934-6406 Fax  
Hours 8 to 5

Lindsey McWilliams  
County Clerk  
County of Humboldt (12)\*  
3033 H Street  
Eureka, CA 95501  
(707) 445-7481  
(707) 445-7678\*  
Hours 8:30-12 1-5

Dolores Provencio  
County Clerk-Recorder  
County of Imperial (13)  
Courthouse  
939 West Main Street,  
Suite B-4  
El Centro, CA 92243-2857  
(619) 339-4226\*  
(619) 337-4182 Fax  
Hours 8 to 5

Beverly J. Harry  
County Clerk/Registrar of  
Voters  
County of Inyo (14)  
P O DRAWER F  
168 North Edwards  
Independence, CA 93526  
(619) 878-0224  
(619) 872-2712 Fax  
Hours 9-12 1-5

Hugh Denton, Chief Deputy  
Elections Office  
County of Kern (15)  
1115 Truxtun Avenue  
Bakersfield, CA 93301  
(805) 861-2625\*  
(805) 861-2574 Fax  
Hours 8 to 5

## California State Elections Officials Registrars of Voters or County Clerks

Roz Lever  
Registrar of Voters  
County of Orange (30)  
1300 South Grand Ave.,  
Bldg C  
Santa Ana, CA 92705  
P O Box 11298  
Santa Ana, CA 92711  
(714) 567-7600\*  
(714) 567-7556  
(714) 567-7627 Fax  
Hours 8 to 5

Jim McCauley  
County Clerk  
County of Placer (31)  
11544 C Avenue  
Auburn, CA 95603  
P O Box 5278  
Auburn, CA 95604  
(916) 889-7088  
(916) 889-7087 Fax  
Hours 8 to 5

Judith Wells  
County Clerk  
County of Plumas (32)  
520 West Main Street  
P O Box 10207  
Quincy, CA 95971  
(916) 283-6305\*  
(916) 283-6255  
(916) 283-6256  
(916) 283-6415 Fax  
Hours 8 to 5

Delfina E. Franco, Chief  
Deputy  
Registrar of Voters  
County of Riverside (33)  
1260 Palmyra Avenue  
Riverside, CA 92507  
(909) 275-8700\*  
(909) 275-8733 Fax  
Hours 8 to 5  
Closed alternate Fridays

Ernest R. Hawkins  
Registrar of Voters  
County of Sacramento (34)  
3700 Branch Center Road  
Sacramento, CA 95827-3892  
(916) 366-2051\*  
(916) 366-4116 Fax  
Hours 8 to 5

John R. Hodges  
County Clerk  
County of San Benito (35)  
Courthouse, Room 206  
440 Fifth Street  
Hollister, CA 95023-3843  
(408) 637-3786  
(408) 637-1057\*  
No Fax number  
Hours 8 to 5

Ingrid Gonzales  
Registrar of Voters  
County of San Bernardino  
(36)  
777 East Rialto Avenue  
San Bernardino, CA  
92415-0770  
(909) 387-8300\*  
(909) 387-2022 Fax  
Hours 8 to 5

Mikel Haas  
Registrar of Voters (Acting)  
County of San Diego (37)  
5201-I Ruffin Road  
San Diego, CA 92123  
P O Box 85093  
San Diego, CA 92186-5093  
(619) 565-5800\*  
(619) 570-1061\*  
(619) 694-2955 Fax  
Hours 8 to 5

Germaine Q. Wong  
Registrar of Voters  
City and County of San  
Francisco (38)  
633 Folsom Street, Suite 109  
San Francisco, CA 94107  
(415) 554-4375\*  
(415) 554-7344 Fax  
Hours 8 to 5

Larry O. Tunison  
Registrar of Voters  
County of San Joaquin (39)  
24 South Hunter, Room 202  
Stockton, CA 95202  
P O Box 810  
Stockton, CA 95201-0810  
(209) 468-2885  
(209) 468-2889 Fax  
Hours 8 to 5

Julie Rodewald  
County Clerk - Elections  
Division  
County of San Luis Obispo  
(40)  
1144 Monterey Street, Ste. A  
San Luis Obispo, CA  
93408-3237  
(805) 781-5228\*  
(805) 781-1111 Fax  
Hours 8 to 5

Warren Slocum  
County Clerk-Recorder  
County of San Mateo (41)  
2200 Broadway, 2nd Floor  
Redwood City, CA 94063  
(415) 312-5222  
No Fax number  
Hours 8 to 5

Kenneth A. Pettit  
County Clerk-Recorder  
County of Santa Barbara  
(42)  
Courthouse Basement  
1100 Anacapa Street  
Santa Barbara, CA 93101  
P O Box 159  
Santa Barbara, CA  
93102-0159  
(805) 568-2200\*  
(805) 568-2209 Fax  
Hours 8 to 5

**California State Elections Officials  
Registrars of Voters or County Clerks**

Tony Bernhard  
County Clerk  
County of Yolo (57)  
625 Court Street, Room B05  
Woodland, CA 95695  
P O Box 1820  
Woodland, CA 95776  
(916) 666-8133\*  
(916) 666-8123 Fax  
Hours 8 to 5

Frances Fairey  
County Clerk-Recorder  
County of Yuba (58)  
935 14th Street  
Marysville, CA 95901-5793  
(916) 741-6341  
(916) 741-6545\*  
(916) 741-6285 Fax  
Hours 8 to 5



COUNTY OF SAN BERNARDINO  
STANDARD PRACTICE

NO 2-1.40

ISSUED 1/29/02

PAGE 1 OF 2

BY Lee Russell

EFFECTIVE 7/91

APPROVED

DEPARTMENT

BEHAVIORAL HEALTH

SUBJECT

FAX-SENDING CONFIDENTIAL INFORMATION  
BY FACSIMILE

  
Rudy Lopez, Director

I. PURPOSE

To insure that all information sent by Facsimile (FAX) is received by the correct party, protected for confidentiality, and is in compliance with the Health Insurance Portability and Accountability Act (HIPAA).

II. POLICY

- A. Not all information to be FAXed will be medical record information, but all information to be FAXed must be treated with the same CONFIDENTIAL guidelines.
- B. Medical Records must be kept confidential, and the facility shall safeguard the information against "loss, defacement, tampering or use by unauthorized persons". Title 22, CA code of Regulations (CCR, Sections 70707 and 70751(b). Behavioral Health records are particularly sensitive and require special safeguard (W&I) code 5328 et seq.)
- C. FAX machines may be used to transmit confidential information, but reasonable care must be taken to assure the information reaches the correct destination, e.g., calling to confirm that the designated contact person is there to receive before information is transmitted.
- D. FAX CONFIDENTIAL / MEDICAL RECORD INFORMATION ONLY WHEN ABSOLUTELY NECESSARY. When there is no emergency, confidential/medical record information must be sent through normal channels such as regular mail.
- E. No personal material will be sent or received on the Behavioral Health Department FAX machines.

III. PROCEDURE

- A. Is there client information in what you are about to fax? Do you need a valid authorization to release this confidential information? If so, this is medical record information. Have your clinic's medical record clerk handle this FAX-release or contact a Medical Record clerk at BHRC, 421-9350.
- B. Always use a FAX COVER SHEET. See the DBH approved sample on Attachment 1.